

FILED



9:33 am, 8/16/23

Margaret Botkins  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

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STEPHEN P KELLY,

Plaintiff,

VS.

Case No. 23-CV-00004

POWELL POLICE DEPARTMENT, a  
Wyoming Law Enforcement Entity and

POWELL POLICE DEPARTMENT  
OFFICER, in his official capacity, also  
known as Caleb Schmidt,

Defendants.

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**ORDER DISMISSING *COMPLAINT* WITH PREJUDICE**

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THIS MATTER comes before the Court following its *Notice and Order Setting Response Deadline* entered on July 17, 2023. ECF No. 19. Defendants filed their *Motion to Dismiss*, which is well grounded in fact and law, on February 21, 2023. ECF Nos. 14, 15. Since then, Plaintiff has failed to respond to Defendants' Motion or file any update with the Court. ECF No. 19 at 1. Despite Plaintiff's failure to comply with all required deadlines, the Court granted him thirty (30) additional days to respond to Defendants' *Motion to Dismiss. Id.* As such, the *Notice and Order* required Plaintiff to respond to Defendants' Motion on or before August 13, 2023, and informed him that failure to do so would result in the Court dismissing this matter with prejudice. *Id.* at 2. The deadline set by the *Notice*

*and Order* has since passed, and the Court has not received a response to Defendants' Motion or any communication from Plaintiff. Pursuant to Local Rule 7.1(b)(2)(A), the Court may consider Plaintiff's failure to respond to Defendants' *Motion to Dismiss* a confession of the motion. Ultimately, the Court finds that it has provided Plaintiff ample time to research and respond to Defendants' Motion, and Plaintiff has failed to comply with the Local Rules and this Court's *Notice and Order* filed on July 17, 2023. *See* ECF Nos. 14, 19; *see also* U.S.D.C.L.R 7.1(b)(2)(A).

**THEREFORE, IT IS HEREBY ORDERED** that this matter should be, and is, **DISMISSED WITH PREJUDICE**. The Clerk of Court will please close this case.

Dated this 15<sup>th</sup> day of August, 2023.

  
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Alan B. Johnson  
United States District Judge